

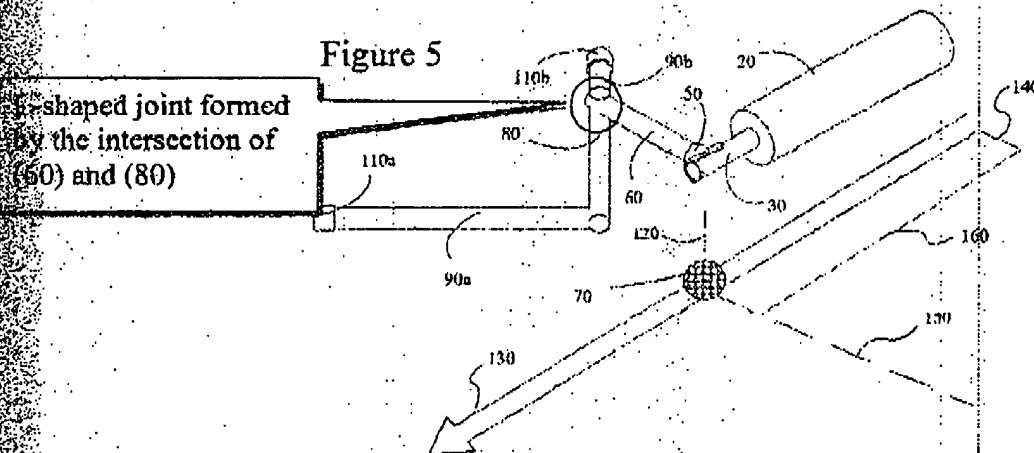
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Applicant: Jim Sowerwine
Serial No. 09/683,595
Filing Date: 01/23/2002
Practitioner's Docket No.: 1370.01

Group Art: 3711
Examiner: Alvin A. Hunter

Applicant responds to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

1. The drawings stand objected to by the Office under 37 CFR 1.83(a), the Office asserting that the L-shaped joint as claimed in claims 6 and 13 are not shown. As noted in Applicant's Figure 5 (reproduced below), vertical extension 80 and horizontal extension 60 meet perpendicularly, forming the L-shaped joint referenced in Applicant's claims.



2. Claims 6-8 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Office asserts there is no disclosure of an "L-Joint" to support the enablement of claims 6 and 13. Reconsideration and withdrawal of this ground of rejection is requested. More particularly, the L-joint is described in paragraph 18 of Applicant's specification.

3. Please refer to paragraph above.

4. Claims 7 and 13 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; reconsideration and withdrawal of this ground of rejection is

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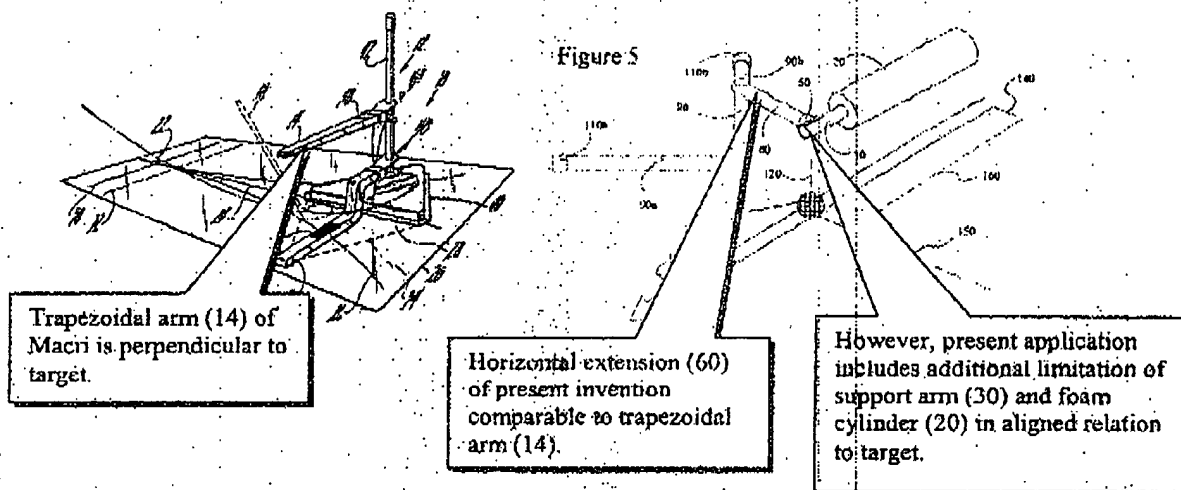
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requested for the reasons that follow. Applicant has amended claims 7 and 13 to remove "the juncture of" which lacked antecedent basis.

5. Claims 1-5 and 9 stand rejected under 35 U.S.C. 103(a) as unpatentable over Macri (3554555) in view of Pearson (5899816), Marier, Jr. (5375833) and OFFICIAL NOTICE.

Turning first to the '555 patent to Macri, it can be seen that the trapezoidal arm (14) is perpendicular to the swing plane.



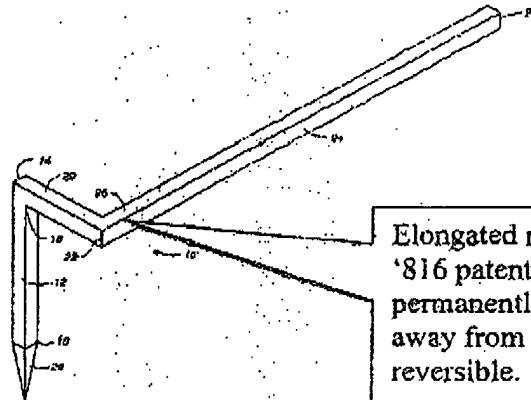
However, the '555 patent to Macri does not include Applicant's limitation of the "cylindrical assembly" as provided in the amended claims.

The elongated member (24) of the '816 patent to Pearson (shown below) is not reversibly engageable as provided in Applicant's newly amended claims:

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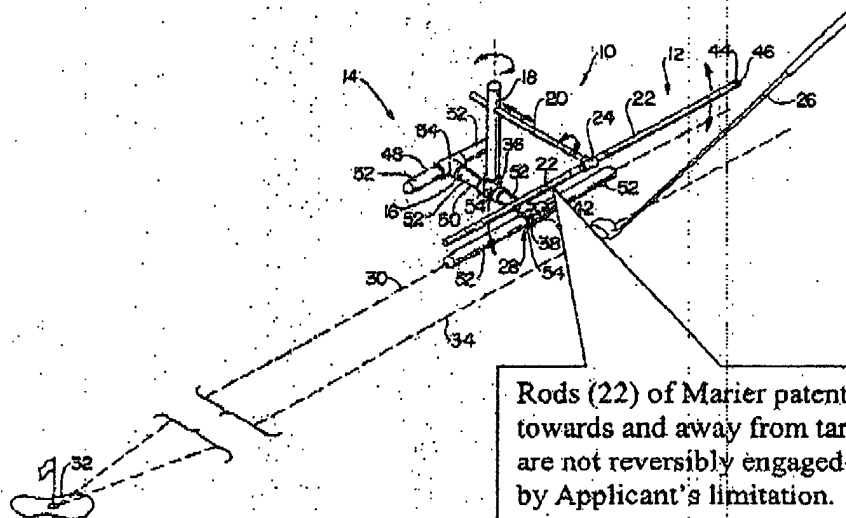
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Elongated member (24) of the '816 patent to Pearson is permanently fixed to extend away from target and is not reversible.

The rods (22) of the '833 patent to Marier simultaneously extend towards and away from the target:



Rods (22) of Marier patent extend both towards and away from target. They are not reversibly engaged as provided by Applicant's limitation.

None of the references cited by the Office describe, teach or suggest a reversibly engageable cylindrical assembly as claimed in Applicant's amended claims. Applicant's invention advances the art by providing a swing path teaching devices that can accommodate relatively inexperienced players in one configuration and highly skilled players in a reversed configuration.

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Applicant believes claim 1 is now in a condition for allowance. Claim 13 has similarly been amended is also believed to be in a condition for allowance. Claims 2-10 and 12 depend from amended claim 1 and are allowable as a matter of law.

6. Claims 6-8 and 13 stand rejected by the Office under 35 U.S.C. 103(a) as being unpatentable over Macri ('555 patent) in view of OFFICIAL NOTICE and further in view of May et al. (U.S. Pat. No. 5707300).

Applicant respectfully submits that the '300 patent to May cannot be combined with the '555 patent to form a 103(a) rejection. The '300 patent to May addresses a separate problem in golf swing correction, namely, to monitor "the lateral and forward leg and knee motion during the full swing motion." (abstract of '300 patent). While the '300 patent describes swing plane indicator rods (7a-b), they are used to constrain the movement of the golfer's hips, not the path of the club head (Col. 4, lines 25-33 of '300 patent). The present invention does not teach monitoring the movement of legs, knees or hips as addressed in the May reference. Rather, Applicant's invention is pertinent to monitoring and correcting swing path directly defined by the path of the club head. There is insufficient motivation for Applicant to have combined the '300 patent to May with the '555 patent to Macri in view of OFFICIAL NOTICE. Claims 6-8 also depended from amended claim 1 and are therefore allowable as a matter of law. Claim 13 has been amended and is believed to be in a condition for allowance.

7. Claims 10-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marci in view of OFFICE NOTICE and further in view of Lambert (U.S. Pat. No. 3886700). Applicant has canceled claim 11. The '700 patent to Lambert describes a flexible, but not elastomeric strand (guide cord) as claimed in the present application. The flexible strand of Lambert is not resilient and therefore requires additional mechanical means of retraction. Applicant has amended claim 10 to require the assembly guide cord to be elastomeric and in a taut

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configuration. This aids the person assembling the apparatus as the matching component interfaces are inherently drawn to each other. The antecedent basis for this limitation is provided in paragraph 0038 of the specification. Accordingly, no new matter has been introduced. Claims 10 and 12 also depended from amended claim one and are therefore allowable as a matter of law.

If the Office is not fully persuaded as to the merits of Applicant's position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

By: 

Anton J. Hopen
USPTO Reg. 41,849
Suite 220
15950 Bay Vista Drive
Clearwater, FL 33760
(727) 507-8558
Attorneys for Applicant

Dated: January 17, 2003

pc: Jim Sowerwine

CERTIFICATE OF FACSIMILE TRANSMISSION
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A, including Exhibit A, is being transmitted by facsimile to the United States Patent and Trademark Office, Technology Center 3700, Attn: Alvin A. Hunter at (703) 872-9302 on January 17, 2003.

Dated: January 17, 2003


Deborah Preza